

ORDINANCE NO. 08-32

ORDINANCE AMENDING HIALEAH, FLA., ORDINANCE 1995-48 (JUNE 27, 1995) THAT REZONED PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO RO (RESIDENTIAL OFFICE) TO SUBSTITUTE A NEW SITE PLAN DATED MARCH 18, 2007 PREPARED BY JULIO PULIDO, ARCHITECT, IN PLACE OF THE PREVIOUSLY APPROVED 1995 SITE PLAN, FOR THE DEVELOPMENT OF THE PROPERTY AND GRANTING A VARIANCE PERMIT TO ALLOW 6 PARKING SPACES WHERE 7 ARE REQUIRED CONTRA TO HIALEAH CODE §98-2189(20). **PROPERTY LOCATED AT 686 EAST 49 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of March 26, 2008 recommended approval of this ordinance; and

WHEREAS, the petitioner proffers to install bollards or other obstruction, in harmony with the design or façade of the building, to discourage parking in the paved entryway of the driveway, to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein. Furthermore, the below-described property is hereby granted a variance permit to allow 6 parking spaces, where 7 spaces are required, contra to Hialeah Code §98-

2189(20), which provides in pertinent part: “*Residential-office*. One (1) parking space for each two hundred (200) square feet of gross floor area.”

Section 2: The City of Hialeah, Florida hereby amends Hialeah, Fla., Ordinance 1995-48 (June 27, 1995) that rezoned property from R-1 (One Family District) to RO (Residential Office) to substitute a new site plan dated March 18, 2007 prepared by Julio Pulido, Architect, in place of the previously approved 1995 site plan, for the development of the property. Property located at 686 East 49th Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

THE EAST 50 FEET OF TRACT 62-F, REVISED PLAT
OF THE REVISED PLAT OF THE SIXTEENTH
ADDITION TO THE CITY OF HIALEAH, ACCORDING
TO THE PLAT THEREOF, AS RECORDED IN PLAT
BOOK 31, PAGE 32, OF THE PUBLIC RECORDS OF
MIAMI-DADE COUNTY, FLORIDA.

Section 3: **Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: **Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the

city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

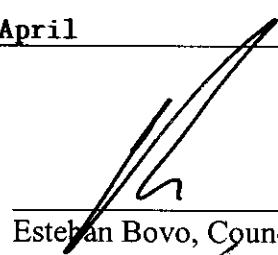
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 22nd day of April, 2008.

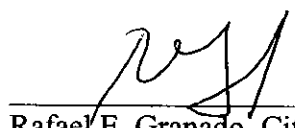
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Esteban Bovo, Council President

Attest:

Approved on this 24 day of April, 2008.

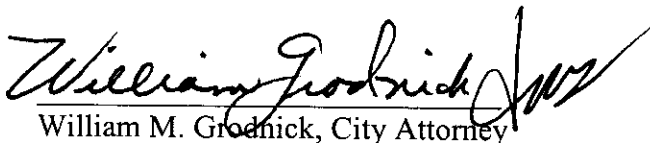


Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".